

POWERS KIRN, LLC
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Tammy J. Hayhurst Debtor	Chapter 13 Proceeding
WELLS FARGO BANK, N.A. Movant	17-25006 GLT
v. Tammy J. Hayhurst and Ronda J. Winnecour, Esquire Respondents	

**STIPULATION IN SETTLEMENT OF
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

WHEREAS, the parties hereto, and their respective counsel, have agreed as to the disposition of the Motion for Relief from the Automatic Stay filed by Jill Manuel-Coughlin, Esquire on behalf of secured creditor, WELLS FARGO BANK, N.A. ("Movant").

NOW, THEREFORE, intending to be legally bound, the parties hereto, herewith stipulate as follows:

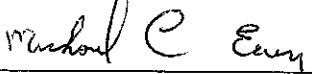
1. The Automatic Stay as provided by Section 362 of the Bankruptcy Code shall remain in full force and effect conditioned upon the terms and conditions set forth herein.
2. This Stipulation pertains to the property located at 705 Skyline Drive, Ellwood City, PA 16117, mortgage account ending with 0176.
3. Upon approval by the United States Bankruptcy Court of the within Stipulation, Debtors and Movant, agree to the following:
 - (a) Parties acknowledge that the current regular monthly post-petition payment is **\$1,189.50** per month.
 - (b) Movant asserts that the following amounts are due post-petition as of 7/9/2019:

Monthly Payments: 1/1/2019 – 7/1/2019 @ \$1,189.50	\$8,326.50
Less Debtor Suspense:	(\$836.15)
Total Post-Petition Arrearage:	\$7,490.35

- (c) Commencing with the 8/1/2019 payment the Debtor shall resume and shall continue to make all regular monthly Plan Payments when they are due in accordance with the terms of the Chapter 13 Plan.
- (d) Within thirty (30) days from the filing of this Stipulation, Debtors agree to either cure the arrearage with the Chapter Trustee in the amount of **\$5,400.00** (as reflected on the Trustee Ledger as of 8/5/2019) or in the alternative file an Amended Chapter 13 Plan within (30) days of this Stipulation being filed increasing the plan payments to address the arrearage.

- (e) If sufficient proof is provided (front and back copies of checks or money orders) of payments made, but not credited, the account will be adjusted accordingly.
- (f) All post-petition payments from the Chapter 13 Trustee to Movant shall be sent to Wells Fargo Home Mortgage, Attention: Bankruptcy Payment Processing, MAC F2302-04C, One Home Campus, Des Moines, IA 50328.
- (g) Notwithstanding this stipulation, the Chapter 13 Trustee will pay in accordance with interim / final confirmation orders, and the applicable and in force plan interim / final confirmation order will control any conflicting language in this stipulation.
- (h) The provisions of the Stipulation do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this Stipulation, including fees and costs, due under the terms of the contract and applicable law.
- (i) The Debtors shall timely tender all payments and comply with all conditions in accordance with this Stipulation. If such payments or conditions are not timely made, or if the case should convert to a Chapter 7 Bankruptcy, Movant may provide the Debtors and their counsel with fifteen (15) days written notice of default. If the default is not cured within the fifteen (15) day period, Movant may certify the default to this Court and an Order shall be entered granting Movant relief from the automatic stay without further notice and hearing and waiving FED. R. Bankr. P. 3002.1 and waiving Rule 4001 (a)(3) so that the Relief Order is immediately effective and enforceable.
- (j) The parties agree that a facsimile may be submitted to the Court as if it were an original.

STIPULATED AND AGREED TO BY:



Michael C. Eisen, Esquire
Attorney for Debtors
Date:

/s/ Jill Manuel-Coughlin, Esquire

Jill Manuel-Coughlin, Esquire
Attorney for Movant
Date:

/s/ Jana S. Pail, Esquire for

Ronda J. Winnecour, Esquire
Trustee
Date: